IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.1082 OF 1991
WITH
CROSS OBJECTION NO.4327 OF 1991

The State of Maharashtra
(At the instance of Special
Land Acquisition Officer,
Metro Centre No.2,Panvel). Appellant
(Orig.Opponent)

vs.

Shri Tulshiram Narayan Patil,
age 45,
Occu: Agriculture, R/o.
Taloja Majkur, Panvel. Respondent
(Orig.Claimant.

Mrs.G.P. Mulekar, AGP i/b.Government Pleader for the appellant.

CORAM : ANOOP V. MOHTA,J.

DATED : 6th September, 2007

ORAL JUDGMENT:

This is an appeal and the cross-objection by the State Government whereby challenge has been made to the judgement and award dated 5.11.1990 whereby the learned Reference Court has fixed the market value of the acquired land at the rate of Rs.11/- per square metre. The learned counsel for the State fairly pointed out the judgement passed by the Division Bench of this Court dated 31.8.204 in First Appeal No.1049/1989 wherein in the matter of the land situated in the revenue village of Chal to the north of Panvel and MIDC Industrial

Estate, after considering the material available on record including the surrounding villages and land, has increased the rate from Rs.8/- to Rs.15/- per square metre. The land involved in the present case is also of village Chal. The Notification is also the same. In this background, even challenge as made by the original claimants in the cross-objection and to the specific prayer to award the compensation of Rs.25/- per metre also cannot be accepted. The State challenge is only to the enhanced rate of Rs.11/- per square metre. There is no point in interfering with the impugned judgement and award, in view of the above Division Bench judgement.

2. Resultantly, the present appeal as well as the corss-objection stand dismissed. No costs.

[ANOOP V. MOHTA,J.]